

-- Addressing the present invention first, the most immediate advantage is that the lipids do not have to be dried from an organic solvent. Instead, the reaction solution is simply spotted directly onto the binding matrix. The enzyme is added to the bound substrate and the reaction run for a specified period of time. The reaction is then stopped, the membrane is rinsed, and the amount of label retained on the matrix is measured. --

REMARKS

Applicants provisionally elect, with traverse, Group III, Claims 31-46. Applicants traverse the requirement because restriction is proper only if the claims of the restricted groups are independent or patentably distinct (MPEP §803). Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not carried the burden of providing any reason and/or example to support any conclusion that the claims of the restricted groups are patentably distinct.

Specifically, in supporting the restriction between the claims of Groups I, II, and III, the Office states nothing more than "The inventions... are... patentably distinct methods because they involve different method steps, starting materials, reagents, and/or reaction conditions and/or produce different products or results." Applicants submit that this statement is insufficient to support a restriction requirement between any of the claims of Groups I, II, and III because the statement is wholly conclusory. The restriction requirement does not explain why any of these considerations render the claims patentably distinct. MPEP §803 requires the Office to advance substantive reasons for finding claims to be patentably distinct. It is insufficient merely to identify mutually exclusive claims, as has been done in the present Office Action. Rather, the MPEP requires some reason, based on either fact or theory, to support the position that the claims recite patentably distinct inventions.

Moreover, at least with respect to the claims of Groups I, II, and III, Applicants point out that the MPEP also states that "If the searching and examination of an entire